

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 25, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 707

Introduced by Senator Kehoe

February 22, 2005

An act to amend Sections 8482.8, 8483, 8483.1, 8483.7, 8483.75, and 8483.9 of, ~~and to add Section 8484.68 to,~~ the Education Code, relating to before and after school programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 707, as amended, Kehoe. Before and after school programs.

Existing law, the After School Education and Safety Program, creates incentives for establishing local before and after school enrichment programs and establishes maximum grants for before and after school programs. ~~Existing~~ Existing law allows an applicant for one of those grants to request approval from the Superintendent of Public Instruction, prior to or during the grant application process, to provide services at another schoolsite for either the before or after school component if there is a significant barrier to pupil participation in a before and after school enrichment program at the school of attendance.

This bill would allow a program grantee that is temporarily prevented from operating a program at a given site due to natural disaster, civil unrest, or imminent danger to pupils or staff in addition to other sources of authority to transfer funds, as specified, to transfer

funding to other program sites to meet attendance targets during that time period. The bill would allow the State Department of Education to recommend, and the State Board of Education to approve, a request by a program grantee for payment of funds, as specified, in the event that the grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff. The bill would allow the State Board of Education, upon the request of a program grantee, to approve other unforeseen events as qualifying a program grantee to shift funding to other program sites, as specified.

Existing law requires every after school component of a program to operate a minimum of 3 hours a day and at least until 6 p.m. on every regular schoolday.

This bill would authorize the State Department of Education to reimburse a program grantee for up to 125% of the maximum total grant amount for an individual school, upon specified conditions. The bill would require every after school component of a program to commence immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday.

Existing law provides that in no event shall a pupil participate in a before school program less than 1 ½ hours per day to be eligible for funding.

This bill would make a school ineligible for funding for a pupil who attends less than one-half of the daily program hours.

Existing law provides that a program participant receiving state funding may expend no more than 15% of that funding on administrative costs.

This bill would provide that those funds need not be earned through pupil attendance.

~~This bill would require an after school program that is prevented from operating due to a natural disaster or an emergency created by war to receive payment commensurate with what it would have reasonably received had it not been prevented from operating. The bill would require the State Department of Education to develop procedures to determine appropriate compensation for sites prevented from operating due to those conditions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8482.8 of the Education Code is*
2 *amended to read:*

3 8482.8. (a) If there is a significant barrier to pupil
4 participation in a program established pursuant to this article at
5 the school of attendance for either the before school or the after
6 school component, an applicant may request approval from the
7 ~~Superintendent of Public Instruction~~, prior to or during the grant
8 application process, to provide services at another schoolsite for
9 that component. An applicant that requests approval shall ~~address~~
10 *describe* the manner in which the applicant intends to provide
11 safe, supervised transportation between schoolsites; ensure
12 communication among teachers in the regular school program,
13 staff in the before school and after school components of the
14 program, and parents of pupils; and align the educational and
15 literacy component of the before and after school components of
16 the program with ~~participating pupils~~² *the regular school*
17 *programs of participating pupils.*

18 (b) For purposes of this article, a significant barrier to pupil
19 participation in the before or after school component of a
20 program established pursuant to this chapter means either of the
21 following:

22 (1) Fewer than 20 pupils participating in the component of the
23 program.

24 (2) Extreme transportation constraints, including, but not
25 limited to, desegregation bussing, bussing for magnet or open
26 enrollment schools, or pupil dependence on public transportation.

27 (c) *In addition to the authority to transfer funds among school*
28 *programs pursuant to Sections 8483.7 and 8483.75, and in*
29 *addition to the flexibility provided by subdivisions (a) and (b), a*
30 *program grantee that is temporarily prevented from operating a*
31 *program established pursuant to this article at the program site*
32 *due to natural disaster, civil unrest, or imminent danger to pupils*
33 *or staff may shift program funds to the sites of other programs*
34 *established pursuant to this article to meet attendance targets*
35 *during that time period.*

36 (d) *If a program grantee is temporarily prevented from*
37 *operating its entire program due to natural disaster, civil unrest,*
38 *or imminent danger to pupils or staff, the department may*

1 *recommend, and the state board may approve, a request by the*
2 *grantee for payment equal to the amount of funding the grantee*
3 *would have received if it had been able to operate its entire*
4 *program during that time period.*

5 *(e) Upon the request of a program grantee, the state board*
6 *may approve other unforeseen events as qualifying a program*
7 *grantee to use the authority provided by subdivisions (c) and (d).*

8 **SECTION 1.**

9 *SEC. 2.* Section 8483 of the Education Code is amended to
10 read:

11 8483. (a) (1) Every after school component of a program
12 established pursuant to this article shall commence immediately
13 upon the conclusion of the regular schoolday, and operate a
14 minimum of 15 hours per week, and at least until 6 p.m. on every
15 regular schoolday. Every after school component of the program
16 shall establish a policy regarding reasonable early daily release of
17 pupils from the program. For those programs or schoolsites
18 operating in a community where the early release policy does not
19 meet the unique needs of that community or school, or both,
20 documented evidence may be submitted to the department for an
21 exception and a request for approval of an alternative plan.

22 (2) It is the intent of the Legislature that elementary school
23 pupils participate in the full day of the program every day during
24 which pupils participate and that pupils in middle school or
25 junior high school attend a minimum of nine hours a week and
26 three days a week to accomplish program goals.

27 (3) In order to develop an age-appropriate after school
28 program for pupils in middle school or junior high school,
29 programs established pursuant to this article may implement a
30 flexible attendance schedule for those pupils. Priority for
31 enrollment of pupils in middle school or junior high school shall
32 be given to pupils who attend daily.

33 (b) The administrators of a program established pursuant to
34 this article have the option of operating during any combination
35 of summer, intersession, or vacation periods for a minimum of
36 three hours per day at the approved rate for the regular school
37 year pursuant to Section 8483.7.

38 ~~SEC. 2.~~

39 *SEC. 3.* Section 8483.1 of the Education Code is amended to
40 read:

1 8483.1. (a) (1) Every before school program component
2 established pursuant to this article shall commence operation at
3 or before 6 a.m. on every regular schoolday or two hours before
4 the commencement of the regular schoolday. A program may
5 operate less than two hours per regular schoolday, but in no
6 instance shall a program operate for less than one and one-half
7 hours per regular schoolday. Every program shall establish a
8 policy regarding reasonable late daily arrival of pupils to the
9 program.

10 (2) (A) It is the intent of the Legislature that elementary
11 school pupils participate in the full day of the program every day
12 during which pupils participate and that pupils in middle school
13 or junior high school attend a minimum of six hours a week and
14 three days a week to accomplish program goals, except when
15 arriving late in accordance with the late arrival policy described
16 in paragraph (1) or as reasonably necessary.

17 (B) A school is not eligible to receive funds provided pursuant
18 to this article for a pupil who attends less than one-half of the
19 daily program hours.

20 (3) In order to develop an age-appropriate before school
21 program for pupils in middle school or junior high school,
22 programs established pursuant to this article may implement a
23 flexible attendance schedule for those pupils. Priority for
24 enrollment of pupils in middle school or junior high school shall
25 be given to pupils who attend daily.

26 (b) The administrators of a before school program established
27 pursuant to this article shall have the option of operating during
28 any combination of summer, intersession, or vacation periods for
29 a minimum of two hours per day at the approved rate for the
30 regular school year pursuant to Section 8483.75.

31 ~~SEC. 3.~~

32 *SEC. 4.* Section 8483.7 of the Education Code is amended to
33 read:

34 8483.7. (a) (1) (A) Every school that establishes a program
35 pursuant to this article is eligible to receive a three-year
36 renewable incentive grant, that shall be awarded in three
37 one-year increments and is subject to annual reporting and
38 recertification as required by the department, for either of the
39 following, as selected by the school:

1 (i) Up to five dollars (\$5) per day per pupil, if the program
2 serves pupils in elementary, middle, or junior high school.

3 (ii) Five dollars (\$5) per pupil for each three hours of pupil
4 attendance, with a maximum total reimbursement of twenty-five
5 dollars (\$25) per pupil per week, if the program serves pupils in
6 middle or junior high school. To receive reimbursement pursuant
7 to this subparagraph, the program administrator shall apply to
8 and receive approval annually from the Superintendent. Approval
9 by the Superintendent shall be based on program results.

10 (B) The maximum total grant amount awarded annually
11 pursuant to this paragraph shall be seventy-five thousand dollars
12 (\$75,000) for each regular school year for each elementary
13 school and one hundred thousand dollars (\$100,000) for each
14 regular school year for each middle or junior high school.

15 (2) For large schools, the maximum total grant amounts
16 described in paragraph (1) may be increased based on the
17 following formulas, up to a maximum amount of twice the
18 respective limits specified in paragraph (1):

19 (A) For elementary schools, multiply seventy-five dollars
20 (\$75) by the number of pupils enrolled at the schoolsite for the
21 normal schoolday program that exceeds 600.

22 (B) For middle schools, multiply seventy-five dollars (\$75) by
23 the number of pupils enrolled at the schoolsite for the normal
24 schoolday program that exceeds 900.

25 (3) The maximum total grant amounts set forth in
26 subparagraph (B) of paragraph (1) and in paragraph (2) may be
27 increased from any funds made available for this purpose in the
28 annual Budget Act for participating schools that have pupils on
29 waiting lists for the program. Grants may be increased by the
30 lesser of an amount that is either 25 percent of the current
31 maximum total grant amount or equal to the proportion of pupils
32 unserved by the program as measured by documented waiting
33 lists as of January 1, 2001, compared to the actual after school
34 enrollment on the same date. Matching fund requirements shall
35 be increased accordingly.

36 (4) A school that establishes a program pursuant to this article
37 is eligible to receive a supplemental grant to operate the program
38 during any combination of summer, intersession, or vacation
39 periods for a maximum of the lesser of the following amounts:

40 (A) Five dollars (\$5) per day per pupil.

1 (B) Thirty percent of the total grant amount awarded to the
2 school per school year pursuant to this subdivision.

3 (5) Each program shall provide at least 50 percent cash or
4 in-kind local matching funds from the school district,
5 governmental agencies, community organizations, or the private
6 sector for each dollar received in grant funds. Neither facilities
7 nor space usage may fulfill the match requirement.

8 (6) (A) The department may reimburse a program grantee for
9 up to 125 percent of the maximum total grant amount for an
10 individual school, so long as the maximum total grant amount for
11 all school programs administered by the program grantee is not
12 exceeded.

13 (B) In order to be eligible for reimbursement, a program
14 grantee that ~~borrows~~ *transfers* funds for purposes of
15 administering a program established pursuant to this article shall
16 have an established waiting list for enrollment, and may ~~borrow~~
17 *transfer* only from another ~~program grantee school program~~ that
18 has met a minimum of 70 percent of its attendance goal.

19 (b) The administrator of a program established pursuant to this
20 article may supplement, but not supplant, existing funding for
21 after school programs with grant funds awarded pursuant to this
22 article. State categorical funds for remedial education activities
23 shall not be eligible as matching funds for those after school
24 programs.

25 (c) Up to 15 percent of the initial year's grant amount for each
26 grant recipient may be utilized for startup costs. Under no
27 circumstance shall funding for startup costs result in an increase
28 in the grant recipient's total funding above the approved grant
29 amount.

30 ~~SEC. 4.~~

31 *SEC. 5.* Section 8483.75 of the Education Code is amended to
32 read:

33 8483.75. (a) (1) (A) Every school that establishes a before
34 school program component pursuant to Section 8483.1 of this
35 article is eligible to receive a three year renewable incentive
36 grant, that shall be awarded in three one-year increments and is
37 subject to annual reporting and recertification as required by the
38 department, for either of the following, as selected by the school:

39 (i) Up to three dollars and thirty-three cents (\$3.33) per day
40 per pupil for a two hour program, if the program serves pupils in

1 elementary, middle, or junior high school. Per pupil
2 reimbursement rates shall be reduced on a prorated basis for
3 those programs which operate for less than two hours per regular
4 schoolday. The rate shall be determined by multiplying 3.33 by
5 the fraction represented by dividing the minutes of operation per
6 day by 120.

7 (ii) Three dollars and thirty-three cents (\$3.33) per pupil for
8 each two hours of pupil attendance, with a maximum total
9 reimbursement of sixteen dollars and sixty-five cents (\$16.65)
10 per pupil per week, if the program serves pupils in middle or
11 junior high school. To receive reimbursement pursuant to this
12 subparagraph, the program administrator shall apply to and
13 receive approval annually from the Superintendent. Approval by
14 the Superintendent shall be based on program results.

15 (B) The maximum total grant amount awarded annually
16 pursuant to this paragraph shall be twenty-five thousand dollars
17 (\$25,000) for each regular school year for each elementary
18 school and thirty-three thousand dollars (\$33,000) for each
19 regular school year for each middle or junior high school.

20 (2) For large schools, the maximum total grant amounts
21 described in paragraph (1) may be increased based on the
22 following formulas, up to a maximum amount of twice the
23 respective limits specified in paragraph (1):

24 (A) For elementary schools, multiply fifty dollars (\$50) by the
25 number of pupils enrolled at the schoolsite for the normal
26 schoolday program that exceeds 600.

27 (B) For middle schools, multiply fifty dollars (\$50) by the
28 number of pupils enrolled at the schoolsite for the normal
29 schoolday program that exceeds 900.

30 (3) A school that establishes a program pursuant to this article
31 is eligible to receive a supplemental grant to operate the program
32 during any combination of summer, intersession, or vacation
33 periods for a maximum of the lesser of the following amounts:

34 (A) Three dollars and thirty-three cents (\$3.33) per day per
35 pupil.

36 (B) Thirty percent of the total grant amount awarded to the
37 school per school year pursuant to this subdivision.

38 (4) Each program shall provide at least 50 percent cash or
39 in-kind local matching funds from the school district,
40 governmental agencies, community organizations, or the private

1 sector for each dollar received in grant funds. Neither facilities
2 nor space usage may fulfill the match requirement.

3 (5) (A) The department may reimburse a program grantee for
4 up to 125 percent of the maximum total grant amount for an
5 individual school, so long as the maximum total grant amount for
6 all school programs administered by the program grantee is not
7 exceeded.

8 (B) In order to be eligible for reimbursement, a program
9 grantee that ~~borrows~~ *transfers* funds for purposes of
10 administering a program established pursuant to this article shall
11 have an established waiting list for enrollment, and may ~~borrow~~
12 *transfer* only from another ~~program grantee school program~~ that
13 has met a minimum of 70 percent of its attendance goal.

14 (b) The administrator of a program established pursuant to this
15 article may supplement, but not supplant, existing funding for
16 before school programs with grant funds awarded pursuant to this
17 article. State categorical funds for remedial education activities
18 shall not be eligible as matching funds for those before school
19 programs.

20 (c) Up to 15 percent of the initial year's grant amount for each
21 grant recipient may be utilized for startup costs. Under no
22 circumstance shall funding for startup costs result in an increase
23 in the grant recipient's total funding above the approved grant
24 amount.

25 ~~SEC. 5.~~

26 *SEC. 6.* Section 8483.9 of the Education Code is amended to
27 read:

28 8483.9. (a) A program participant receiving funding pursuant
29 to this article may expend on indirect costs no more than the
30 lesser of the following:

31 (1) The school district's indirect cost rate, as approved by the
32 department for the appropriate fiscal year.

33 (2) Five percent of the state program funding received
34 pursuant to this article.

35 (b) A program participant receiving state funding pursuant to
36 this article may expend no more than 15 percent of that funding
37 on administrative costs, which funding need not be earned
38 through pupil attendance. For purposes of this section,
39 administrative costs shall include indirect costs, as described in
40 subdivision (a).

1 (c) A program participant receiving state funding pursuant to
2 this program shall ensure that no less than 85 percent of that
3 funding is allocated to schoolsites for direct services to pupils.

4 SEC. 6. ~~Section 8484.68 is added to the Education Code, to~~
5 ~~read:~~

6 ~~8484.68. (a) An after school program that is prevented from~~
7 ~~operating due to natural disaster, including, but not limited to,~~
8 ~~fire, including the October 2003 Cedar Fire in the County of San~~
9 ~~Diego, flood, earthquake or epidemic, or because of any order of~~
10 ~~any military officer of the United States or of the state to meet an~~
11 ~~emergency created by war, or of any civil officer of the United~~
12 ~~States, the state, or any county, city and county, or city~~
13 ~~authorized to issue that order to meet an emergency created by~~
14 ~~war, or because of other extraordinary conditions, shall receive~~
15 ~~payment commensurate with what the program would have~~
16 ~~reasonably received had it not been so prevented from operating.~~

17 ~~(b) The department shall develop procedures to determine~~
18 ~~appropriate compensation for sites prevented from operating due~~
19 ~~to conditions described in subdivision (a).~~